



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

October 14, 2009

Mr. Joseph A. Adkins, Deputy Director of Public Works for Planning
City of Frederick
140 West Patrick Street
Frederick MD 21701

Re: City of Frederick 2009 Draft Comprehensive Plan

Dear Mr. Adkins:

Thank you for submitting the draft City of Frederick Comprehensive Plan to the Maryland Department of Planning (MDP) for our review. We would like to recognize is the city's use of traditional and nontraditional means to update your comprehensive plan. In particular, your use of Internet access has clearly broadened the participation of your citizens.

The City of Frederick has met several of the WRE requirements of HB1141; however, the WRE is incomplete. By addressing the enclosed comments, the WRE will better conform to the requirements of HB1141.

Please do not hesitate to contact me or Jenny King at 410.767.4500 should you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Peter Conrad".

Peter G. Conrad, AICP
Director of Local Government Assistance

Enclosure: Comments on the City of Frederick 2009 Draft Comprehensive Plan, Municipal Growth Element Checklist and Population/Household Projections

cc: Eric Soter, Director, Frederick County Planning & Zoning
Jason Dubow, Planner, WRE Coordinator
Jenny King, Regional Planner
Rich Josephson, Director, Planning Services
Rita Elliott, MDP Clearinghouse
File



Maryland Department of Planning
Comments on the City of Frederick Draft Comprehensive Plan
October 14, 2009

Chapter One: Introduction

Page 5: The Plan references the 2000 amendments to Article 66B but then goes on to discuss the “Twelve Visions”. If the intent is to incorporate the “Twelve Visions” rather than the “Eight Visions” then the “Twelve Visions” should be listed and reference the 2009 Legislation- HB294.

Page 7, Regional Context, Location: The last sentence of the first paragraph notes substantial growth and *suburbanization* in recent decades. Consideration should be given to use *development* rather than suburbanization in order to give a more comprehensive definition of what has been occurring in the City and County.

Chapter Two: Land Use Element

Page 20, Vacant Land: Please define DB and DBO.

Page 23, East Frederick: The Plan mentions an East Frederick Rising Legacy Plan about mid-way through the paragraph. This Plan should be discussed in further detail.

Page 23, Golden Mile/US 40 Corridor: The second paragraph, second sentence ends awkwardly.

Page 30, Land Use Map: Where is the second tier of growth? Please explain the utility service area.

Page 33, LU Policy 6: The Policy states: “Maintain and improve an efficient and streamlined permitting process that is user-friendly and predictable.” The first implementation strategy define “user-friendly” but references “the ordinance” and the “City’s development regulations” not the permitting process. While the permitting process is the end result of the “ordinance” and “development regulations” consideration should be made to make this first strategy clear as to how all of these pieces inform the permitting process.

Pages 33-34, LU Policy 7: It is observed that strategies 3 and 4 would be better placed in different policy areas.

Page 35, LU Policy 11: Delete 2004.

Page 36, LU Policy 12: It is unclear what and where are objectives 1 through 13.

Chapter 3: Transportation Element

The Maryland Department of Planning is glad to see that the City has developed good transportation policies and implementation strategies that call for multimodal transportation improvements, emphasize the importance of transit, pedestrian and bicycle facilities as well as TDM and TSM approaches, stress the need for providing adequate transportation facilities to support existing communities and planned growth in the future, encourage transit-friendly design for developments,

expand historic grid street systems etc. MDP offers the following comments on transportation planning issues and how the Plan could be improved from a Smart Growth perspective.

Pages 43 and 50, North-South Parallel Road: The Plan discusses the need for a North-South Parallel Road. While this parallel road may help to divert some through traffic out of US 15 through the City of Frederick, it may also attract unintended development pressure along the proposed road corridor and areas beyond where the City and the County do not envision future growth. These potential secondary land development impacts may potentially decrease the benefit that the parallel road may provide in a long run.

In addition, funding sources for such a highway in a foreseeable future is very uncertain. The proposed North-South Parallel Road is located outside the Priority Funding Areas (PFAs). Any major transportation facility improvement falling outside PFAs would not be eligible for State funding except the project meets a criterion defined in the 1997 Smart Growth-Priority Funding Areas law. Considering future funding constraints, other transportation priority needs of the Frederick region, and potential significant direct and indirect environmental and land use impacts of the Parallel Road, MDP encourages the City to pursue other state highway projects that are under construction, design/engineering, or planning study (e.g., I-70 and US 15 related projects), improve and build a connected local roadway network that helps to divert short and local traffic from US 15 (e.g., upgrading and enhancing existing and planned sections of Monocacy Boulevard), and work with the State and the County to implement transit and TDM strategies. Should further transportation measurements on existing roadways or transportation and land use strategies could be done to address traffic problems on US 15 through the City of Frederick, the State will welcome the discussion with the City and the County.

Roadway Planning

It is important that the historic street grid system should be continued in all areas adjacent to downtown Frederick that are yet to be developed. Frederick's historic system of streets and alleys is a viable transportation template that should be fully considered in all areas of the City, including future development areas within and beyond the current city boundary.

On page 44, the Plan discusses the need for a continuous support for construction of the circumferential road around the City. The section of "Transportation Policies and Implementation" should address this need.

The Implementation Element doesn't include the roadway improvements proposed on page 50. It is unclear what the City's intention is on these recommendations.

On page 57, the map of 2030 Road Classification shows several proposed transportation improvements including proposed urban primary arterial, urban minor arterial, urban collector and local roads. There are no explanations on these proposed transportation improvements. The Plan should discuss the purposes and needs for the proposed roadway projects, improvement timeframes and funding sources.

Shared Use Paths and Complete Streets

The Plan discusses Shared Use Paths and Complete Streets concepts, and calls for updating the Shared Use Path Plan and developing a bicycle plan for the City. It is unclear if the City will develop these two plans since the Implementation Element (page 163, Policy TE 7) does not include the recommendations. The Shared Path and bicycle plans should address policies, strategies, improvements to achieve both transportation and recreational purposes, include related mappings to

indicate the network connectivity and any missing gaps, and discuss the improvement timeframes and funding sources for the proposed pedestrian and bicycle facilities.

In recognizing the importance of alternative transportation, more and more local jurisdictions in Maryland are considering allowing for developers to be given credit for the provision of bicycle, pedestrian and transit improvements and other TDM implementations when implementing APFOs. We encourage the City to consider this approach in support of building walkable, bicycle friendly, and transit accessible communities while reducing the need for widening intersections and roadways as the only transportation solution for supporting growth.

Transit Planning

In coordination with the County, the City should consider its support for the proposed I-270 Transitway which is proposed to connect Frederick with the Shady Grove Metro station and included in the 2009 Draft Frederick County Comprehensive Plan.

Any MARC improvement needs that the City supports should be discussed and recommended in the section of "Transportation Policies and Implementation." MTA's MARC Growth & Investment Plan proposes improvements to the Brunswick Line/Frederick trains (<http://www.mtamaryland.com/projects/marc%20plan%20full.pdf>). The City should confirm its support for the proposals in MTA's Plan, and evaluate additional needs from the City's perspective.

On page 43, the Plan discusses BRT options that serve downtown, Fort Detrick, Route 40, US 15, and Monocacy Boulevard. But there isn't any recommendation in the section of "Transportation Policies and Implementation." The Plan should clarify the City's intent on these transit options.

MDP fully encourages the promotion of the MARC train station vicinity as a multimodal transportation hub and a mixed-use development area, and the US 15 and Monocacy Boulevard vicinity as a multi modal transit hub for the north side of the City.

Annexation and Tiered Growth

MDP strongly supports the policy of recognizing infill and redevelopment as the first tier growth. With regard to the second tier growth areas along US 15 and north of the current city boundary, we note that in order to support the growth, US 15, Biggs Ford Road, the US 15/Biggs Ford Road intersection, and other local roadways need improvements. Currently, the proposed US 15/Biggs Ford Road Interchange is located outside PFAs. Please note that prior to committing State funding to the improvement of the US 15/Biggs Ford Road Interchange, the County and Frederick City needs to reach an annexation agreement for the areas adjacent to the Interchange; and the annexation areas need to be certified as PFAs.

General Comments

Pages 42-43, Charts: Consideration should be made to re-format the data into a format that is easier to read.

Page 47, City of Frederick Recommended Cross Access Connections Map: Please define how the map applies to the referenced "Complete Streets" section and explain its purpose.

Page 51, TE Policy 4: The fifth strategy should be further defined as to how planners and engineers should be "re-trained".

Page 52, TE Policy 6: Consideration should be made to elevating strategy 6 to number 1. This seems to be a key strategy since the City and County are growing substantially education will be necessary now and in the future.

Chapter 4: Municipal Growth Element

General Comment: The numbering of the Tables need to be fixed.

Page 61: The first paragraph notes the “Eight Visions”. Should this be the “Twelve Visions” which are mentioned in the first chapter?

The Plan notes 2-3 potential annexations through 2030. Are these the Crum and Thatcher Farms? Consideration should be made to further explain the annexation possibilities. It is understood that the City has many more Letters of Intent. As of this writing MDP has two annexations for review which have come in after the Crum and Thatcher Farms annexations.

Page 66, Tier 1: The Plan notes 844 acres of net vacant land. Does this conflict with Chapter 2, page 20 which notes that there is 1108 acres of vacant land of which 688 acres is developable (468 for non-residential and 220 acres for residential).

Page 67, Tier 2: The Plan states that the County has recognized these potential annexations by zoning the land agricultural. Why and what does this statement mean?

Page 69: The future annexation list should be updated. Crum, Thatcher and Homewood have been reviewed. Also the Sanner and Gladhill annexations are currently under review. The City is cautioned to be sure to incorporate these annexations into projections (population, household, acreage etc.) and discuss fully in the context of impacts to public facilities and financing mechanisms to address the added impacts.

Page 71: The third bullet, last sentence is incomplete.

Population Projections

There are several different population projections reported in the Plan. On page 64 the Plan states that the City will maintain 25% of the total County projection but then reports a projected population for 2030 of 92,053, 28% of the County (Table MGE 2). On page 70, Table MGE 8 states the City’s projected population to be 85,039, 26% of the County (based on build out capacity). Then another projection is used in the WRE. The City should select one projection to use throughout the Plan to better anticipate future land and infrastructure needs. Please see the attached population and household projections that the City may consider.

Development Capacity Analysis, Growth Areas and Annexation

While the City has incorporated a Development Capacity analysis and population projections into the Plan; a discussion of the relationship between these two factors should be included. This will help determine if the proper balance between projected population and land supply exists. For example the City should state that projections state a projected growth of “X” and what the Town currently has capacity for “X”, therefore the City needs to annex enough land to accommodate the additional “X” people/households.

MDP suggests that as a supportive document, a map be prepared which outlines the development capacities of properties which are within the current City boundaries, pipeline development (4,000

units) and those which are in the Growth Areas. Seeing these figures in a spatial layout helps the reader to visualize where and how much growth will be take place.

MDP commends the City on taking a phased approach to annexation; however it is unclear as to whether Tier 3 growth areas may be annexed within the timeframe of this Plan. On page 26 the Plan states that the Tier 3 areas are outside the Potomac Water agreement (beyond 20 or more years) but the Plan then states that Tier 3 boundaries can be adjusted at any time and again on page 71 the Plan states that there are 2 areas in Tier 3 that may be considered for annexation within the horizon year. In the context of planning it is important to strive for the proper balance between land supply and population demand, without setting a firm growth boundary it is difficult to determine if the appropriate balance exists. Also if the City does wish to annex lands from Tier 3 any infrastructure impacts must be included in the Plan.

Within the MGE it is difficult to determine the parameters of the Potomac Water Agreement. Page 63 states that water is guaranteed to the City until 2015 then on page 64 states that water is available over next 15 years, this represents two different time frames. It would be helpful if a short discussion of the agreement were provided within the water and sewer discussion in the MGE.

The City has done a good job detailing the build out capacity of the current corporate limits and the growth Tiers; however it is difficult to determine if the City is adopting build out of Tier 1 and 2 as the population projection for 2030 or if these figures are to be compared to earlier projections. MDP understands Tier 1 and 2 are within the water service area; however there are several discussion within the Plan regarding annexation of properties in Tier 3 that create some confusion (p.70)

It would be helpful if more information were provided on pipeline development in the City, as the Plan states that pipeline could satisfy growth until 2020 (p. 66).

Financing Mechanisms

While the Plan provides a Fiscal Element that addresses strategies for how the City may raise funds it does not directly relate funding to any necessary expansions to schools, libraries or water/sewer upgrades to address future growth. House Bill 1141 requires municipalities to identify ways for financing future infrastructure improvements and when possible identify associated costs with improvements. Please see the attached Municipal Growth Element checklist.

Chapter 5: Water Resource Element

The City of Frederick has met several of the WRE requirements of HB1141; however, the WRE is incomplete. By addressing the following comments, the WRE will conform to the requirements of HB1141. The most important comments to address are in **bold**.

The WRE does not yet effectively address the following purposes of the law and/or State guidance as follows:

- Identify suitable receiving waters and land areas to meet the stormwater management and wastewater treatment and disposal needs of existing and future development proposed in the land use element of the Plan, considering available data provided by MDE (Section 1.03(iii), Article 66B).
- For each watershed, calculate the total forecasted nutrient load, which includes nutrient loads from current and future WWTP discharge, septic tanks, and stormwater runoff (MDP M&G 26, p. 13).

- Does the WRE identify strategies to protect current and future water sources from pollution (MDP M&G 26, p. 27).
- Does the WRE describe the alternative future development options for which nonpoint source and point source loading estimates were performed? Does the WRE make general findings for alternative land use options (MDP M&G 26, pp. 39-40).
- Does the WRE show or refer to the boundaries of relevant areas used for planning, including current water and sewer service areas (MDP M&G 26, pp. 27).

General WRE comments include:

- **The Plan does not yet include maps of the water and sewer service areas. These maps should be added to the plan.** Currently the only map is a map of the Frederick Municipal Forest.
- It would also be helpful if the Plan included a map of the tiered growth that is planned.
- It would be helpful if water and sewer capacity columns were added to Table WRE-4 (p. 90) in order to better understand the relationship between water and sewer demand and available capacity.
- On page 82 of the WRE, the Plan states that a projected 9,185 new households will be built through 2030; however, the MGE states that there will be 9,195 new households projected to be built in that same time period (p. 70). Please clarify which projection is correct.

Comments on the water demand analysis include:

- The Plan does not state whether there are any private wells in the City. Please add this information to the WRE. If wells exist, please note whether there are any plans to connect any failing wells to the public water system and the capacity needed to serve them. The Plan could then discuss whether they are susceptible to pollution and whether these might be included in future source water protection plans.
- The Plan states that the most likely source of additional water supply will be to purchase water from the County system (p. 89). The Plan could discuss in more detail whether discussions have occurred yet with the County as to the possibility of purchasing water.
- The WRE briefly mentions that the City is a part of the Potomac River Water Service Agreement (PRWSA) (p. 82). It would be helpful if the WRE discussed the specifics of the PRWSA in more detail as well as how the water demand and supply projections relate to the City's portion of the PRWSA.

Comments on the proposed methods for protecting the City's source water include:

- **The Plan does not yet include a discussion of source water protection strategies or policies. Please add this discussion to the Plan.**

Comments on the sewer demand analysis include:

- The Plan discusses the WWTP's rated capacity. Please clarify whether rated capacity refers to permitted capacity or design capacity (p. 86). **Permitted capacity should be discussed as well.**
- The Plan states that there will be a shortfall in sewer capacity with the tiered growth scenario. In order to better estimate when demand will meet capacity, the plan could include a table with sewer demand figures broken up into five year intervals of time.
- The WRE discusses the City's problems with inflow and infiltration (I&I) (p. 86). Please clarify whether the projected sewer demand figure include demand from I&I.
- The Plan does not state whether there are any septic tanks in the City. Please add this information to the WRE. If septic tanks exist, please note whether there are any plans to connect any failing septic tanks to the public sewer system and the capacity needed to serve them.
- Table WRE-4 is mislabeled as "Projected Water Demand" and instead should be labeled as "Projected Sewer Demand" (p. 90).
- The City could consider adding under "Policy WRE 4" to reduce leaks to less than 10% of water produced as a way of implementing the policy (p. 92).

Comments on identifying suitable receiving waters include:

- **The WRE should discuss the suitability of the City's receiving waters in the context of a pollution forecast.** If there are no TMDLs for the city's receiving waters, the WRE should note this and indicate that suitability cannot yet be assessed. In addition, the WRE should discuss whether there are any Tier II waters that might be impacted through implementation of the City's land use plan.
- The MGE section of the Plan mentions that the Monocacy River has been assigned TMDLs (p. 63). Please specify if these TMDLs have been set for nutrients yet. If TMDLs have been set for nutrients, please also include a discussion of these TMDLs.
- **The Plan does not yet include present or future point source (WWTP) loading data/forecasts. This information needs to be added to the plan. The WRE should indicate when the City's point source loading is expected to reach its point source cap.** MDE can provide information on the town's WWTP cap, established under the

Maryland Tributary Strategy. MDE and the County can also help complete the pollution forecasts.

- **The Plan does not yet include present or future non-point source pollution loading data/forecasts. This information needs to be added to the plan. The City should work with Frederick County and MDE to complete this forecast.**
- **Once point source and non-point source pollution forecasts are added to the Plan, the City should also include a combined point source and non-point source pollution table. Please add this to the Plan.**
- **The WRE should evaluate the forecasted pollution impacts (point and non-point source pollution combined). In this evaluation, at least two land use plan options (including growth areas) should be evaluated to determine which land use plan would have the least impact on receiving waters.**

Chapter 6: Environment Element

The policies do not include the Frederick Municipal Forest.

General Comments

The symbols stating the goals, policies that the Element promotes are used sporadically throughout the Plan.

Municipal Growth Element Checklist

Town:
Date:

Page references pertain to the Municipal Growth Element Models and Guidelines

Included	Past Growth Patterns (pg. 7)	Reviewer Comments
	Change in developed acreage	
	Population change	
	Location of land use changes	
	Historical trends/issues	

Included	Population Projections/Future Land Needs (pgs. 7-11)	Reviewer Comments
	Population growth projections for horizon year of plan	
	Land needed to satisfy future demand	
	Future municipal growth areas (anticipated annexation areas)	
	Capacity of lands available for development (inc. infill & redevelop)	
	Anticipated capacity/zoning of future annexation areas	
	Relationship between projections and land capacity	

Included	Public Services & Infrastructure supply in relation to future demand	Reviewer Comments
	Public School Capacity (pgs. 12-13)	
	Library Services (pgs. 13-14)	
	Public Safety, medical response, police, fire (pgs. 14-15)	
	Water Facilities (pgs. 15-16)	
	Sewer Facilities (pgs. 15-16)	
	Stormwater Management Systems (pgs. 16-17)	
	Recreation facilities (MD standard 30 acres per 1,000 population) (pgs. 17-18)	
	Impacts of growth on infrastructure/services (pg. 20)	

Included	Resource Lands	Reviewer Comments
	Rural Buffers/Transition Areas- Pros/Cons (pgs. 18-20)	
	Impacts of growth on sensitive areas (pgs. 20-21)	
	Identify areas that may impede development (steep slope, flood plain...)	
	If applicable: Critical Area/Growth Allocation related to future growth	

Included	Future Vision (pg. 22)	
	Land Use Goals	
	Development Goals	
	Preservation Goals	
	Are the plans goals and visions consistent with long term policy?	

Included	Financing Mechanisms	Reviewer Comments
	Identify ways for financing future infrastructure improv. (developer, impact fees, taxes...) (pg. 18)	
	When possible identify associated costs with improvements (pg. 18)	

Table 1. Frederick City Comprehensive Plan Household and Population Projections

	2000 Census	2009	2010	2020	2030	Change: 2000 - 2030		
						Net	Percent	Average Annual Growth Rate
Frederick City Population								
Table MGE - 2	52,767	---	61,803	75,113	92,053	39,286	74.45%	1.8722
Table MGE - 8	52,767	62,995	---	---	85,039	32,272	61.16%	1.6035
Table WRE - 3	52,767	---	62,000	---	90,000	37,233	70.56%	1.7957
Households								
Table MGE - 8	20,891	25,607	---	---	34,802	13,911	66.59%	1.7157
Table WRE - 3	20,891	---	27,815	---	37,000	16,109	77.11%	1.9236
Frederick County Population								
Table MGE - 2	195,277	---	243,220	287,913	326,224	130,947	67.06%	1.7253

SOURCE: City of Frederick Comprehensive Plan 2010 Update. Prepared by Department of Planning. Planning Data Services. October 2009.
U. S. Department of Commerce. Bureau of the Census.

Table2. Frederick City Comprehensive Plan and MDP Total Population Projections: 2000 - 2030

Source	2000	2020	2030	Change: 2000 - 2020			Change: 2020 - 2030			Change: 2000 - 2030		
				Net	Percent	Average Annual Growth Rate	Net	Percent	Average Annual Growth Rate	Net	Percent	Average Annual Growth Rate
Frederick City Table MGE - 2	52,767	75,113	92,053	22,346	42.35%	3.5942	16,940	22.55%	2.0545	39,286	74.45%	2.8215
MDP Municipal Projections	52,767	78,465	93,533	25,698	48.70%	4.0474	15,068	19.20%	1.7721	40,766	77.26%	2.9035
Frederick County	195,277	287,900	331,700	92,623	47.43%	3.9583	43,800	15.21%	1.4263	136,423	69.86%	2.6845

SOURCE: City of Frederick Comprehensive Plan 2010 Update.
U. S. Department of Commerce. Bureau of the Census.
Prepared by Department of Planning. Planning Data Services. October 2009.